


<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number Q64734	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 09/873,357	Filed June 5, 2001	
	First Named Inventor Francis PINAULT		
	Art Unit 2134	Examiner Piotr POLTORAK	
<p style="text-align: center;">WASHINGTON OFFICE <b>23373</b> CUSTOMER NUMBER</p>			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record. Registration number    60,645</p> <p style="text-align: right;"> Signature</p> <p style="text-align: right;">_____ Theodore C. Shih Typed or printed name</p> <p style="text-align: right;">_____ (202) 293-7060 Telephone number</p> <p style="text-align: right;">_____ February 4, 2008 Date</p>			

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q64734

Francis PINAULT, et al.

Appln. No.: 09/873,357

Group Art Unit: 2134

Confirmation No.: 5168

Examiner: Piotr POLTORAK

Filed: June 5, 2001

For: METHOD OF PROVIDING ACCESS CONTROL FOR AND/OR VIS-A-VIS USERS  
ACCESSING THE INTERNET FROM TERMINALS VIA A PRIVATE ACCESS NODE,  
AND ARRANGEMENTS FOR PUTTING THIS KIND OF METHOD INTO PRACTICE

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**MAIL STOP AF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated October 2, 2007, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue. As of the Advisory Action mailed January 8, 2008, claims 1, 2, 4, and 8-13 stand rejected under 35 U.S.C. § 102 (a) as anticipated by or, in the alternative, rejected under 35 U.S.C. § 103(a) as being unpatentable over Toga (U.S. 6,041,355), claims 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Toga in view of Fritch (U.S. 6,105,132)<sup>1</sup> in view of Cotten (U.S. 6,330,590), claim 13 stands rejected

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<sup>1</sup> Applicant notes that Fritch is never discussed in the body of the rejection. It further appears that the citation is a typo and that the Examiner only intended to reject the claims over Toga in view of Cotten.  
...(footnote continued)

under 35 U.S.C. § 103(a) as being unpatentable over Toga in view of Hitson (U.S. Pub. No. 2002/0010759).

Applicant respectfully submits that claim 1 is not anticipated by Toga. Specifically, Toga discloses “a method of controlling the transfer of data between a first and second computer network comprises parsing content description language received from the first computer network by the second computer network to determine current tag information within the content description language”. See the abstract. Toga, however, fails to disclose “analyzing *a signature* included in said multimedia data stream for the purpose of said filtering” as recited in claim 1. Toga, on the other hand, focuses on tags, which are used for displaying the data in an appropriate manner by a browser. In Toga, tags may convey other information about the content of data and be used by the proxy to determine whether to allow subsequent data transfer. See col. 3, lines 33-45.

In the Advisory Action, the Examiner argues:

Applicant’s focuses on a term “signature” and argues that Toga teaches tag information which is not the same as signature. Thus, applicant argues, Toga does not teach “analyzing a signature included in said multimedia data stream”. In order to articulate support this assertion, applicant argues that tag disclosed by Toga are not a signature as defined in the art.

The examiner respectfully disagrees. Signature may mean different things in different arts. For example, in the art of computer security (i.e. utilizing cryptography) the signature has a very special meaning and does not

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Therefore, Applicant will not address at length the combination of Toga in view of Fritch. It is sufficient to mention that the combination of Toga in view of Fritch in further view of Cotten would not have rendered the claims 5-7 obvious. Both Fritch and Cotten do not cure the deficient teachings of Toga.

equate to restriction, as applicant suggest. Although applicant's application could be considered to address computer security (filtering data stream) nowhere in the specification applicant suggest that the signature is the same as cryptographic signature. In fact, there is no clear definition offered in the specification. Thus, the examiner's broadest interpretation of the term does not violate the reasonable interpretation of the term<sup>2</sup>.

Based on the above comments, the Examiner has failed to respond to the crux of the argument presented in the Response filed December 28, 2007. Specifically, the Examiner fails to rebut the argument that the Toga reference does not teach, "analyzing a *signature* included in said multimedia data stream for the purpose of said filtering" as recited in claim 1. Specifically, the "tag information" in Toga refers to displaying the data (by indicating tags within content description language), financial tags, resource constraints tags, and content restriction tags. While, in the present invention, signatures are used for the purposes of allowing or restricting multimedia data stream regardless of the "tag information" definitions of Toga.

Furthermore, Applicants' specification clearly states an exemplary embodiment of the "signature" where the "signature" can indicate the existence of restrictions on the use of the data that it accompanies and in particular to SDMI (secure digital music initiative) signatures accompanying data constituting certain multimedia files (see page 10, lines 13-16).

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<sup>2</sup> See Advisory Action mailed January 7, 2008.

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**Conclusion**

For the above reasons, Applicant submits that claim 1 is patentable over the applied art. Claims 2, 4, 8-9, 11, and 12 are patentable at least by virtue of its dependency on claim 1. Claim 10 recites similar limitations as in claim 1 and is patentable for analogous reasons.

Claims 5-6 and 7 are patentable at least by virtue of their dependency from claims 4 and 1, as Cotten fails to cure the deficient disclosure of Toga.

Claim 13 is patentable at least by virtue of their dependency from claim 1, as Hitson fails to cure the deficient disclosure of Toga.

Respectfully submitted,



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WASHINGTON OFFICE

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